

AMENDED IN ASSEMBLY MARCH 24, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2474

Introduced by Assembly Member Galgiani

February 21, 2008

An act to add Article 3 (commencing with Section 104660) to Chapter 2 of Part 3 of Division 103 of the Health and Safety Code, relating to obesity prevention.

LEGISLATIVE COUNSEL'S DIGEST

AB 2474, as amended, Galgiani. ~~Obesity~~—*Childhood obesity* prevention.

The Budget Act of 2005 required the State Department of Health Services to develop a comprehensive strategic plan that assessed California's current programs and efforts in obesity prevention, identified core gaps or concerns, identified best practices, and made recommendations for improvement.

Existing law also requires the State Department of Public Health to outline a process for developing a prototype state-local nutrition monitoring system.

This bill would ~~require~~ *establish the Coordination Office for Childhood Obesity Prevention within the State Department of Public Health to establish a program to implement and would require the office to be responsible for implementing the recommendations for improvement identified in the comprehensive strategic plan, which would, among other things, establish a systemic systematic approach to tracking the health impacts of obesity and evaluating obesity prevention programs. The bill would also require the State Public Health Officer to annually report make available to the Legislature a report*

on the department's office's progress in implementing the recommendations for improvement and strategic objectives and actions to be pursued in the following year.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature hereby finds and declares all of
2 the following:

3 (a) Despite increased awareness of the health risks linked to
4 being overweight, increasing numbers of California children and
5 adolescents are either overweight or obese.

6 (b) More than three million children in California are overweight
7 or obese, with higher rates among Latino and African American
8 children.

9 (c) Millions of dollars are spent each year addressing
10 obesity-related health problems in children that were once seen
11 only in adults, such as type 2 diabetes, joint problems, high blood
12 pressure, and high cholesterol.

13 (d) In 2005, Governor Schwarzenegger released his "Vision for
14 a Healthy California," which included 10 far-reaching changes in
15 state systems and local communities to promote healthier eating
16 and more active living for all Californians.

17 (e) In 2005, responding to Provision 7 of Item 4260-001-0001
18 of the Budget Act of 2005, the State Department of Health Services
19 issued a California Obesity Prevention Plan (CHHS Plan). The
20 department's plan called for, among other things, all of the
21 following:

22 (1) State level leadership and coordination that will "create a
23 central point of contact within state government to serve as lead
24 and liaison in working across and within different sectors, such as
25 schools, entertainment, employers, and health care to create active
26 living and healthy eating environments."

27 (2) A statewide public education campaign that will launch a
28 "statewide media campaign that frames healthy eating and active
29 living as California living."

30 (3) A statewide tracking and evaluation system that will
31 "monitor health impacts, population trends, and assess program
32 performance and impact."

1 (f) To date, no measurable progress has been achieved toward
2 the objectives of the department's plan.

3 (g) In 2006, the Institute of Medicine report "Progress in
4 Preventing Childhood Obesity: How Do We Measure Up?" urged
5 state governments to provide more leadership and to "establish
6 high-level task forces on childhood obesity prevention to identify
7 priorities for action, coordinate public sector efforts, and establish
8 effective interdepartmental collaborations."

9 (h) California has not established these taskforces.

10 ~~(i) The January 2008 Children Now report card notes with~~

11 *(i) California Now, which issued the "2008 California Report*
12 *Card: The State of the State's Children," notes with concern that*
13 *policy efforts to address childhood obesity in California are*
14 *"fragmented and uncoordinated," with multiple and conflicting*
15 *approaches which are confusing and distracting policymakers.*
16 *Specifically, the report notes that "a coordinating body is needed*
17 *to effectively pursue a multifaceted strategy that addresses*
18 *childhood obesity and simultaneously holds policymakers and*
19 *industry accountable."*

20 (j) No coordinating body has been established.

21 (k) Considerable state and federal resources are being spent on
22 statewide mass media and public education campaigns or efforts
23 that focus on prevention of childhood obesity, mostly targeting
24 low-income populations. Specifically, within the State Department
25 of Public Health, the Cancer Prevention and Nutrition Section,
26 utilizing \$220 million in federal Food Stamp Nutrition Education
27 Program funds that are locally matched, has budgeted over \$15
28 million for media contracts and campaigns in FFY 2008, with \$4.3
29 million allocated to fruit, vegetable, and physical activity
30 campaigns, \$3.9 million for collateral materials, and \$10 million
31 for a mass media campaign entitled "Champions for Change."

32 Also, First Five California, funded by the California Children
33 and Families Act, is required to spend 6 percent of funds on mass
34 media and communications. In the 2006–07 fiscal year, \$_____ of
35 these funds were spent on mass media campaigns targeting
36 Hispanic and Asian populations.

37 (l) Although these campaigns and programs all target
38 low-income populations, they are not coordinated with each other.
39 At the local level, in low-income communities, the result is a
40 barrage of media and messages urging low-income families to

1 make individual changes to prevent obesity, but very little support
2 for improved local access and affordability for healthier food and
3 physical activity.

4 (m) The Special Supplemental Nutrition Program for Women,
5 Infants and Children (WIC), a 100 percent federally funded
6 ~~Program~~ *program* of the State Department of Public Health, has
7 a total budget ~~of for~~ the 2008 Federal Fiscal Year of \$1 billion,
8 with \$700 million allocated for direct provision of specific
9 nutritious foods for 1.4 million low-income participants, including
10 two of every three infants and 750,000 ~~preschoolage~~ *preschool*
11 *age* children.

12 (n) In 2009, federal regulations will allow California to update
13 and improve the nutritional content of WIC foods. The new WIC
14 food packages will include, for the first time, fresh fruits and
15 vegetables, lowfat *soy* milk and soy substitutes, whole grains, baby
16 foods, and flexible choices for cultural groups. The California WIC
17 program budget includes \$300 million for direct nutrition services,
18 that include individual and group nutrition education and
19 breastfeeding promotion.

20 (o) The implementation of the new WIC foods, which are
21 purchased with WIC checks in over 4,000 WIC-authorized retail
22 grocery stores, is an unprecedented opportunity for state
23 collaboration and coordination. In addition to the \$700 million in
24 permanent annual consumer purchasing power for healthier foods,
25 especially fresh fruits and vegetables, by WIC participants, these
26 foods will be newly available and more accessible to all other
27 low-income shoppers, in neighborhoods where access to affordable
28 and nutritious food is often a critical barrier to healthy choice.

29 SEC. 2. Article 3 (commencing with Section 104660) is added
30 to Chapter 2 of Part 3 of Division 103 of the Health and Safety
31 Code, to read:

32
33 Article 3. *Childhood Obesity Prevention*
34

35 104660. (a) ~~The~~ *There is within the* State Department of Public
36 ~~Health shall establish a program to implement the~~ *Coordination*
37 *Office for Childhood Obesity Prevention. The office shall be*
38 *responsible for implementing the* recommendations for
39 improvement identified in the comprehensive strategic plan
40 developed pursuant to Item 4260-001-0001 of Section 2.00 of the

1 Budget Act of 2005 and provided to the Legislature, to the extent
2 authorized by this article. *The office shall use existing resources*
3 *of the department to accomplish the purposes of this article.*

4 (b) In order to implement the recommendations for
5 improvement, the ~~department~~ *office* shall do all of the following:

6 (1) Coordinate the efforts of other state and local agencies and
7 departments, as well as private partners, to address, in an integrated
8 and consistent manner, healthy eating habits within the state and
9 to promote active living.

10 (2) Establish workgroups *that may be* comprised of academic
11 experts, representatives from grassroots organizations, low-income
12 communities, and local community-based organizations to create
13 work plans and recommendations for implementation based upon
14 the recommendations for improvement identified in the
15 comprehensive strategic plan.

16 (3) Develop and implement a sustained, statewide media
17 campaign, including public service announcements, to reach adults
18 and youth and to educate the public regarding the benefits of
19 healthy food choices and a physically active lifestyle. The media
20 campaign shall use tailored radio, television, billboard, and print
21 ~~advertising~~ *advertising* throughout the state that is accessible in
22 culturally and linguistically appropriate formats. The media
23 campaign shall also be coordinated with community-based public
24 education. The media campaign shall focus on all of the following:

25 (A) Countering the promotion of unhealthy foods.

26 (B) Reducing the appeal and availability of unhealthy foods to
27 youth.

28 ~~(C) Promoting healthy eating and fun activities as the “in”~~
29 ~~lifestyle.~~

30 ~~(4) Award local assistance grants to regional and local entities~~
31 ~~that will create a community infrastructure to prevent obesity and~~
32 ~~promote physical activity.~~

33 *(C) Promoting healthy eating as the “California lifestyle.”*

34 *(4) Review and coordinate media and public education*
35 *campaigns described in subdivision (c) after consulting with and*
36 *seeking input from the State Public Health Officer, the State*
37 *Department of Health Care Services, the First 5 California*
38 *Commission, the State Department of Education, and the*
39 *Department of Food and Agriculture.*

1 (5) Establish a ~~systemic~~ *systematic* approach to tracking the
2 health impacts of obesity and evaluating obesity prevention
3 programs. This approach shall include the monitoring of complex
4 state, regional, and local trends and developing policy, program,
5 and environmental measures of progress.

6 (c) *Notwithstanding any other provision of law, any plan or*
7 *proposal to conduct a statewide or regional media campaign with*
8 *state funds and a total annual budget that exceeds one million*
9 *dollars (\$1,000,000) to promote obesity prevention, healthy eating,*
10 *or active living shall be submitted to, the office at least one year*
11 *prior to the implementation of the statewide or regional media*
12 *campaign and shall be required to be approved by the office.*

13 ~~(e) The State Public Health Officer shall annually report to the~~
14 (d) *The State Public Health Officer shall make available, upon*
15 *request, a report to the Legislature on the department's office's*
16 *progress in implementing the recommendations for improvement*
17 *and strategic objectives and actions to be pursued in the following*
18 *year.*